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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,233	03/22/2004	Wen-Cheng Tseng	0063-068002	9041
57346 7590 07/08/2009 BRAKE HUGHES BELLERMANN LLP c/o CPA Global P.O. Box 52050 Minneapolis, MN 55402			EXAMINER SORRELL, IRON J	
			ART UNIT 2182	PAPER NUMBER
			MAIL DATE 07/08/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/805,233

Applicant(s)

TSENG ET AL.

Examiner

ERON J. SORRELL

Art Unit

2182

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-28 and 36-42 is/are allowed.
- 6) ☒ Claim(s) 25, 29, 30 and 34 is/are rejected.
- 7) ☒ Claim(s) 31-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/23/09 have been fully considered but they are not persuasive. The applicant's argues:

1) "...Szczepanek and Dewberry, either alone or in combination, fail to describe or render obvious a network device having default values that are flexibly configurable that includes a register file containing the default values for the network device...There is no mention that the memory-mapped registers in Szczepanek contain default values for the switch, as recited in claim 29. There is no description or suggestion in Szczepanek that the control and configuration information stored in the memory-mapped registers are default values. Thus, Szczepanek does not describe or suggest a register file that contains default values for the network device, as alleged in the Office Action (emphasis in original) (see paragraph bridging pages 2 and 3 of the applicant's remarks)."

2) "Furthermore, since the memory-mapped registers in Szczepanek do not contain default values, then corresponding values from the configuration instructions cannot be mapped to corresponding default values of the memory-mapped registers (see third full paragraph on page 3)."

2. As per arguments 1 and 2. The configuration data that is stored in the memory mapped registers, as acknowledged by the applicant, is being construed as the "default values." This interpretation is clearly consistent with the applicant's specification, paragraphs 3 and 4, wherein the "default values" are described as configuration data for network communication. Furthermore, per MPEP 2114, "While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997); see also In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 29,30,34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szczepanek et al. (U.S. Patent No. 6,690,668 hereinafter "Szczepanek") in view of Dewberry et al. (U.S. Patent No. 6,507,425).

5. Referring to claim 29, Szczepanek teaches a network device (see item 20 in figure 4a), having default values that are flexibly configurable, comprising:

- a microprocessor interface (see item 56 in figure 4a);
- a memory interface (see item 54 in figure 4a); and
- a register file (see item 45 in figure 4a) containing the default values for the network device (see lines 23-27 of column 7);

wherein the memory interface is configured to receive configuration data, wherein the network device is configured such that the corresponding values are mapped to corresponding default values of the register file, and wherein the network device is configurable to set default values based on data received through either the microprocessor interface and the memory interface (see paragraph bridging paragraphs 7 and 8).

Szczepanek fails to teach the configuration data being in the form of configuration instruction that are interpreted by the network device.

Dewberry teaches, a network device that receives and interprets configuration instruction from a memory (see lines 37-42 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Sczcepanek with the above teachings of Dewberry such that configuration instructions are received and interpreted and the corresponding data is mapped to the default register values to allow more programmer control of the network device configuration.

6. Referring to claim 30, Sczcepanek teaches the network device is configured to monitor a reset signal to determine if the default values should be updated (see lines 3-10 of column 8).

7. Referring to claim 34, Sczcepanek teaches a controller for setting one of the microprocessor interface and the memory interface through which data is received to change the default value (see paragraph bridging columns 7 and 8).

8. Referring to claim 35, Sczcepanek teaches the memory interface comprises an EEPROM interface (see item 54 in figure

54 in figure 4a) and the EEPROM interface is configured to receive configuration instructions from an EEPROM (see line 65 to column 7 to line 10 of column 8).

Allowable Subject Matter

9. Claims 31-33 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 22-28 and 36-42 are allowed.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERON J. SORRELL whose telephone number is (571)272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eron J Sorrell/
Primary Examiner, Art Unit 2182
June 29, 2009